APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/182,745	10/28/98	MACLEOD BECK	C P3316

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CENTRAL COAST PATENT AGENCY
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EXAMINER
HUYNH, C.

ART UNIT	PAPER NUMBER
2176	

DATE MAILED:
09/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2001</u> .

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications: reconsideration filed on 7/9/01 to

the application filed on 10/28/98.

2.   Claims 1-20 are pending in the case. Claims 1, 6, 11, 16 are independent

claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior

art under 35 U.S.C. 103(a).

5.   Claims 1-2, 6-7, 16-17 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Syeda-Mahmood (US Pat No. 5,983,218, 11/9/99) in view of Torres

et al. (US Pat No. 5,897,635, 4/27/99).

Regarding independent claim 16, Syeda-Mahmood discloses:

■ accessing and rendering media from multimedia files in a data repository (the multimedia database is designed so that user can access the data by posing a query via *interactive dialogue between the web client and multimedia database* to retrieve the desired data, col 4, lines 4-30; col 1, lines 11-48; col 2, lines 13-23)

■ limiting access to preselected media files (the search engine checks the consistency among the *retrieved* information to *eliminate duplicate information*, the duplicate information shows that the information is preselected and eliminating this information to limit access to the preselected files (col 6, lines 52-55; col 7, lines 60-67))

Syeda does not disclose the program code for accessing and rendering media code from multimedia files in a data repository as well as software modules providing functionality for an Interactive Multimedia Application (IMA) and the *Interactive Multimedia Viewer* (IMV). However, since Syeda provides the *interactive dialogue for accessing and rendering multimedia data*, such dialogue in the user interface is considered equivalent to the *Interactive Multimedia* Viewer. Since Syeda discloses that feature, it implies Syeda program includes related software modules as well as associated codes to perform the functions.

Syeda does not disclose the editing of the editable layer of at least one IMV and the joining of selected and edited modules to form the IMV.

Torres discloses:

■ a customized user interface that allows a user to edit, update and manipulate the multimedia application information (col 3, lines 9-23, figures 3-5)

- joining the selected and edited modules to form the IMA (col 3, lines 20-33, col 4, lines 10-67), and also

- accessing and rendering media files from the repository (col 4, lines 10-55)

Torres does not use the same terminology: the editable layer of at least one the Interactive Multimedia Viewer (IMV). However, the customized user interface CUI in Torres where a user can access, render, and edit media files from the database repository as disclosed above shows the same function of editing media information (e.g...fax, mail) and joining the selected and edited information to form a IMA through an interface as that of the editable layer of the Interactive Multimedia Viewer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Torres into Syeda to obtain the editing feature in combination with the features of the Interactive Multimedia Viewer which only allows a user to access and render the multimedia information from the database repository.

Regarding claim 17, which is dependent on claim 16, as in claim 16, Syeda discloses a user interface for database site selection (col 4, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have utilized Syeda. The fact that Syeda provides an interactive dialogue, which is an interface, for selecting database, implies that the associated software and modules should be included.

Independent claim 1 is an object-oriented programming interface to perform the method of claim 16, and is rejected under the same rationale.

Claim 2, which is dependent on claim 1, is software module comprising one software interface to perform the method of claim 17, and is rejected under the same rationale.

Independent claim 6 is a programming application to perform the method disclosed in claim 16, and is rejected under the same rationale.

Claim 7, which is dependent on claim 6, is a programming application to perform the method of claim 17, and therefore is rejected under the same rationale.

6.   Claims 3-5, 8-10, 11-12, 13-15, 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood and Torres as applied to claim 16 above, and further in view of Goetz et al. (US Pat No. 5,956,729, 9/21/99).

Regarding claim 18, which is dependent on claim 16, Syeda and Torres do not disclose that the IMV is adapted to access and render multimedia code of only one type. Goetz discloses that an application may support several instances of a particular media type (col 3, lines 2-11).

Even though Goetz fails to mention of the code for accessing and rendering of multimedia files, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have included Goetz to Syeda and Torres. The fact that Goetz shows the supporting of several instances of a particular media type implies that Goetz includes that type of code to perform such function.

Regarding claim 19, which is dependent on claim 16, Syeda and Torres do not disclose that the IMV is adapted to access and render multimedia code of more than one type. Goetz discloses that the invention includes a multimedia file for organizing at least one type of media on a computer-readable medium, such as a CD Rom, hard disk, or the like. The multimedia file is capable of storing and identifying multiple instances of at least one media type (col 3, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Goetz to Syeda and Torres since Goetz further provides the access and rendering a multimedia file of at least one type, which means one type or more than one type of media.

Regarding claim 20, which is dependent on claim 16, Syeda and Torres do not disclose that the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags *according to one or more of* date, time, participants, file type; company affiliation of participants, subject or issue, and relationship to other multimedia files.

Goetz discloses:

- multimedia files stored in the data repository represent multimedia transactions (col 11, lines 21-38)
- file type of a multimedia file (col 11, lines 26-38)

Goetz does not explicitly disclose the tags that characterize multimedia files as claimed. However, the MIME type in Goetz using to *specify the type* of a multimedia file. This

shows that the MIME extension included in the URL, as a tag, *characterizes the type* of the multimedia file.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Goetz to Syeda and Torres to obtain details of multimedia files stored in the repository wherein the multimedia files include multimedia transactions, have tags for representation of information according one or more of date, time, participant, file type, etc, in addition to the feature of accessing, rendering, and editing multimedia files as mentioned above.

Claims 3-5 are IMV software modules to perform the method of claims 18-20, and are rejected under the same rationale.

Claims 8-10 is a programming application to perform the method of claims 18-20, and are rejected under the same rationale.

Independent claim 11 is for a multimedia communication center which includes the limitations of claim 6, the storage system for recording multimedia file (rejected in claim 20), and the access interface (Torres, col 1, lines 39-48; col 2, lines 5-34), therefore is rejected under the same rationale applied to these claims.

Claim 12, which is dependent on claim 11, comprising software interfaces disclosed and rejected in claim 17 above, and is rejected under the same rationale.

Claims 13-15 is a multimedia communication center including the IMV disclosed in the method of claims 18-20, and therefore are rejected under the same rationale.

Response to Arguments

7.   Applicant's arguments filed 7/9/01 have been fully considered but they are not

persuasive.

Applicants argue that Syeda does not disclose:

- rendering data stored in a data repository

- assembling an Interactive Multimedia Application

- restricting access to any information since it always returns at least one copy of the

    information it retrieves

Examiner disagrees.

To access and interact with the multimedia database, a user poses a query via the

interactive dialogue in the user interface to request for the desired data (col 4, lines 4-

30; col 1, lines 25-54). After taking the query from the interactive dialogue, Syeda

system accesses the multimedia database and *retrieves the requested multimedia data*

from the multimedia database and provides said data to a user.

The fact that Syeda *retrieves the requested multimedia data and provides said data to a*

user shows that Syeda teaches *rendering data stored in a data repository.*

Since Syeda teaches *integrating and coordinating information* from multimedia

database sites to provide data for the retrieving purpose via query posed at the

interaction dialogue (col 3, lines 61 to col 4, lines 1-30) as well as *manipulating* in some

manner the multimedia data in the database as a method step for assembling an interactive multimedia application (col 5, lines 20-40; insert, delete, update media data), Syeda does teach the said feature of assembling.

Examiner agrees that Syeda *does not restrict access to any information since it always returns at least one copy of the information it retrieves.*

However, claim 16 does *not state "restrict access."* What the claim states is *"limiting access* by the IMV to preselected media files."

Limiting access allows accessing within a limit.

Syeda discloses the search engine checking the consistency among the *retrieved* information to *eliminate duplicate information* (col 6, lines 52-55; col 7, lines 60-67). As applicants argue in the remark, Syeda only returns a single copy of a picture selected before to eliminate the duplicates (second paragraph).

Since Syeda always returns only one copy of the information it retrieves and eliminates the duplicate information, Syeda limits access, only one, to the preselected media files.

Applicants also argue that Torres does not disclose multimedia information and the combination of Syeda and Torres is not appropriate.

Examiner disagrees.

Though Torres does not use the term media or multimedia, Torres does disclose that the data in the server and client network includes *text and graphics* (col 2, lines 34-46) which is a multimedia data.

Since Torres provides multimedia data, and Syeda teaches multimedia data, the combination of Torres and Syeda is appropriate.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703) 305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this Art Unit is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

clh

9/21/01

STEPHEN S. HONG

PRIMARY EXAMINER